

AMENDED IN SENATE MARCH 15, 1999

SENATE BILL

No. 198

Introduced by Senator Kelley

January 19, 1999

An act to amend Article 6.1 (commencing with Section 105) of the Lake Cuyamaca Recreation and Park District Act (added by Chapter 1982 of the Statutes of 1963), *and to add Section 76.5 to Chapter 1654 of the Statutes of 1961*, relating to the Lake Cuyamaca Recreation and Park District, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Kelley. Lake Cuyamaca Recreation and Park District: lease agreements.

(1) Existing law, the Lake Cuyamaca Recreation and Park District Act, authorizes the Lake Cuyamaca Recreation and Park District Board, whenever the district board determines, by a $\frac{4}{5}$ vote of its entire membership, that it is necessary to enter into a long-term lease agreement for services or property from any person, firm, or corporation to provide adequate recreational facilities and services within the district, to enter into such a lease agreement for a term not exceeding 40 years if approved by not less than $\frac{2}{3}$ of the voters of the district voting at an election called for that purpose and prescribes procedures for the conduct of such an election. The act further requires the district board, whenever a long-term lease agreement is entered into pursuant to the act, to establish on the records of the district a Lease Agreement Redemption Fund from which all rental

or other consideration for the lease shall be paid, and requires the supervising authority of the district to annually levy a special lease agreement tax to be deposited into the fund, as provided. The act prescribes procedures for the execution of lease agreements entered into by the district if the district dissolves by operation of law, as specified.

This bill would eliminate those provisions requiring voter approval for the district board to enter into a long-term lease agreement, and prescribing procedures for a district election. The bill would also eliminate those provisions requiring the establishment of a Lease Agreement Redemption Fund, and prescribing procedures for the execution of lease agreements entered into by the district if the district dissolves by operation of law.

(2) *The existing Mello-Roos Community Facilities Act of 1982 authorizes the formation of community facilities districts, and the issuance of bonds and levying of special taxes thereunder, to finance designated public and utility facilities and services.*

This bill would authorize the district to levy a special tax pursuant to that act.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 76.5 is added to Chapter 1654 of*
2 *the Statutes of 1961, to read:*

3 76.5. *The district may levy and collect a special tax*
4 *pursuant to the Mello-Roos Community Facilities Act of*
5 *1982 (Chapter 2.5 (commencing with Section 53311) of*
6 *Part 1 of Division 2 of Title 5 of the Government Code)*
7 *for any of the purposes authorized by that act.*

8 SEC. 2. Article 6.1 (commencing with Section 105) of
9 the Lake Cuyamaca Recreation and Park District Act
10 (added by Chapter 1982, Statutes of 1963) is amended to
11 read:

12

Article 6.1. Long-term Leases

Sec. 105. If the district board determines, by a four-fifths vote of its entire membership, that it is necessary to enter into a long-term lease agreement for services or property of any kind, including water, from another public agency, or from any person, firm or corporation to provide adequate recreational facilities and services within the district, the district board may enter into such a lease agreement for a term not exceeding 40 years.

~~SEC. 2.—~~

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the Lake Cuyamaca Recreation and Park District may execute a long-term lease with the Helix Water District at the earliest possible time, thereby enabling the district to continue providing recreational services to the public, it is necessary that this act take effect immediately.